

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS DEVELOPMENT )  
FINANCE AGENCY )  
Plaintiff, )

v. )

C.A. No. 04 CV 10203 PBS

ADP MARSHALL, INC., a FLUOR )  
DANIEL COMPANY, and FIREMAN'S )  
FUND INSURANCE COMPANY )  
Defendants. )

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ADP MARSHALL, INC. )  
Plaintiff-in-Counterclaim, )

v. )

MASSACHUSETTS DEVELOPMENT )  
FINANCE AGENCY )  
Defendant-in-Counterclaim. )

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ADP MARSHALL, INC. )  
Third Party Plaintiff, )

v. )

ALLIED CONSULTING ENGINEERING )  
SERVICES, INC., et al. )  
Third Party Defendants. )

**MOTION TO CONTINUE PRETRIAL DISCLOSURES DEADLINE**

Now comes ADP Marshall, Inc., Massachusetts Development Finance Agency, Andover Controls Corporation, Delta Keyspan, LLC, St. Paul Travelers Company, United States Fidelity and Guaranty, Allied Consulting Engineering Services, Inc., and R&R Windows and moves this Honorable Court for a continuance of the date to serve and file pretrial disclosures, per the

Court's April 11, 2005 Order, from June 25, 2005 to July 1, 2005. The parties are continuing with settlement discussions and are still hopeful settlement can be achieved. As such, settlement discussions have delayed the development of pretrial disclosures.

WHEREFORE, the parties hereto request that the time to file and serve Fed.R.Civ.P. 26(a)(3) pretrial disclosures be extended through July 1, 2005.

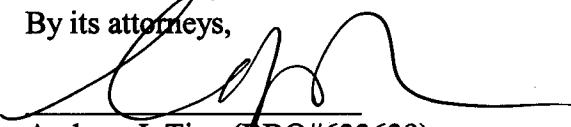
Respectfully submitted,  
Andover Controls Corporation  
By its attorneys,

/s/Eric Howard  
John McNamara (BBO#557882)  
Eric Howard (BBO#637514)  
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Respectfully submitted,  
St. Paul Travelers Company  
By its attorneys,

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Respectfully submitted,  
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By its attorneys,

  
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Respectfully submitted,  
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By its attorneys,

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Respectfully submitted,  
Massachusetts Development Finance Agency  
By its attorneys,

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Respectfully submitted,  
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By its attorneys,

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Respectfully submitted,  
R&R Windows.  
By its attorneys,

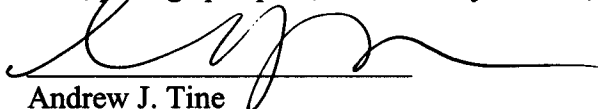
/s/John Bruno  
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Respectfully submitted,  
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#### CERTIFICATION OF SERVICE

I, Andrew J. Tine, hereby certify that I served a true and correct copy of the foregoing Motion to Continue Fact Discovery Deadline upon Edward Vena, Esq., Sam Leo, Esq., John McNamara, Esq., Eric Howard, Esq., Warren Hutchison, Esq., Eric Loeffler, Esq., John Bruno, Esq., Allen Whitestone, Esq., William O'Gara, Esq., Robert Pierce, Esq., and Jay Gregory, Esq. by first class mail, postage pre-paid, this 23<sup>rd</sup> day of June, 2005.

  
Andrew J. Tine